File No. (79) 79
1926.

Collection No.

Impson Residency

RG 10/6/67 11/m/16

Pros. Serial Nos.

Subject.

Appeal against dismissal of R. Mahadev, clerk, Office of Excise Supdt, C & M. Stations

Previous References.

2 & 2/95

747/22

Later References.

S. 97.

MGIPC—FP—52DCFMis.—(1783)—27-5-25—39,000.

O.W. Petition of appeal, dated the 25th March 26, from
S.1 R. Mahadev, Ex Clerk, Excise office.

A copy of the order appealed against has not been produced by the petitioner. If approved, it may be called for.
Draft submd.

C.A.O. 9/4/26. VAS 9/4

S.2 Issued no 3332 & 14. 4. 26

P.U.C (3) Letter dy 21.4.26 from R. Mahadeva, Ex clerk, Excise office, Bangalore.

Please see sl. 1 and P.U.C.
In the case of the dismissal of the petitioner the prescribed procedure of framing charges, taking explanation & recording a decision has been observed. It does not appear to call for the records. For orders as to whether the petition may be rejected.

S.7.A 302-95

VAS 23/4

Result

Petition may be rejected

Result: Intimation 25.4.26

P.T.O

Mr Collector's order shows the petitioner to have been, at the least, grossly negligent, if not actually guilty of criminal misappropriation under any circumstances it is unfit to remain in petitioner's petition is dismissed & he should forfeit his deposit

[illegible]
25/2/26

wcl
26.11.26

draft below to issue.

VS
28/4

S.4

Issued no. 38888 30. 5. 26

RESIDENT'S OFFICE,
BANGALORE.
Register No. 2851
Date of Receipt 27.3.26
File No. 79/26.

TO

THE SECRETARY TO THE HON'BLE THE RESIDENT

IN MYSORE,

B A N G A L O R E.

Sir,

The humble appeal petition of R. Mahadev, Ex. Clerk of the office of the Assistant Commissioner of Excise C & M Station, Bangalore showeth, that

(1) The Proceedings of the Collector dated 10-2-1926 dismissing him from the service was communicated to him in his No.103/26 on 12--2--1926, that he has applied for the copies of depositions of witnesses in the departmental enquiry on the 11th February 1926, that he received the copies from the Assistant Commissioner of Excise on 28--2--1926 -- and that his appeal is not a time barred one in accordance with the Madras Board's Standing Order Nos. 158 Para 7(ii) and 172 para 8(ii).

not part of as not applicable to the C + M Station where there is no time limit

(2) The Collector in his Proceedings says that the petitioner accepts to have actually received the money in question and to have mislaid or overpaid the same to the Contractor; but in the statement given by him before the Assistant Commissioner of Excise on 6--2--1926 he has -- stated that he did not remember what amount (net or gross) was received by him and that he must have over-paid the - Contractor as the amount was not remitted. Subsequently in his written explanation he states that he must have --

mislaid the amount or overpaid the Contractor as he found out on perusing the registers and records in the Excise & Pay & Accounts offices that the money was not remitted into the Treasury; the - office peon Daniel who cashed the Bill on that day has said that he did not remember what amount was brought by him and the carrying contractor has said that he did not remember what amount was received by him during that and other months and that he received - Rs.180 or so after seeing the contingent bill. Thus there are - many chances for the loss of money (e.g.,) (1) the peon might have brought less money denying the fact that Chalan for remittances - was also given to him as usual, (2) the Contractor might have been overpaid and (3) the amount might have been mislaid. There are - no definite proofs to show that the amount of Rs.81--5--4 also was received and misappropriated by him and he requests that the benefit of doubt may be given to him.

(3). As a Clerk, he ought to have watched and found out earlier regarding the amount but he accepts his responsibility and has stated that on account of his bodily infirmity he was unable to do this for which he was suitably punished by making good the amount before the departmental enquiry itself and by forfeiting the allowances for the period of leave sanctioned in Assistant Commissioner's No.382 dated 2--12--25 in accordance with the proceedings No.2 dated 1--1--1926 placing him under suspension from the commencement of his leave itself.

(4) The Collector was of opinion that there were certain -- facts to show that he was not guilty of a carefully thought out - defalcation and that he did not abscond himself, that he was seriously ill at that time. These facts clearly show that he has not misapropriated the amount and that he must have mislaid the amount as per Collector's order.

(5) He has studied up to Senior Intermediate and has passed almost all the tests e.g., Revenue and Account Tests, Excise and -

Salt Manuals --

thus qualifying himself for promotion in the department. He, therefore, knew fully well that making good itself without the knowledge of his superiors is a crime and - that it is always better for one to bring to the ears of his superiors if such things occur. Thus it is evident that he did not know up to the very last moment anything regarding the amount and that the Collector's opinion"that it is just possible that if he took it he intended to make it up on his return from leave" is incorrect.

(6) There are no clear proofs that he has dealt - with the papers connected with the said misappropriation indiscriminately as the statement given by Mr. F. Arokiaswamy shows that the papers were in unopened covers only.

(7). He has worked hard with an unblemished service in spite of his severe bodily infirmity. A death blow has been given to him by the very severe order of the - Collector dismissing him--although (the Collector) he is of opinion that the petitioner is not guilty of a carefully thought out defalcation--and that he is perplexed as to what to do. He has no other go but to appeal to your honour's mercy to cancel the order of dismissal and to restore him to his appointment.

Madura,
25th March 1926.

R. Mahadev

Petitioner.

Address:-

R. Mahadev,

2196 Chockappa Naick Street,

M a d u r a.

2

Memorandum.

No. 3332.	*Bangalore, dated* 14 April 1926.
From Major K.A.G. Evans Gordon, Secretary to the Resident in Mysore.	*To* R. Mahadev, 2196, Chookappa Naick Stree. M a d u r a.

Petition of appeal against the order of dismissal from Government Service.

PUC

With reference to his petition, dated the 25th March 1926, Mr. Mahadev is requested to produce a copy of the order against which the appeal is preferred.

o/c 13.4.26.

Major,
SECRETARY TO THE RESIDENT.

PN

No. 10/5/14

RESIDENT'S OFFICE.
BANGALORE.
Register No. 3624
Date of Receipt 23.4.26
File No. 79/26

The Secretary to the Hon'ble the
Resident in Mysore
Bangalore.

Sir,

Reference :- Your memorandum
S.V No. 3332 dated 14th April 1926.

I beg to submit herewith a
Copy of the Collector's order as called
for.

I beg to remain,
Sir
Your most obedient Servant

R. Narasdeo.

Madura.)
21.4.1926

2916 Chokkappa Naick
Street

No. 103/26
12.2.1926

Proceedings of the Collector, Civil and Military Station,

Bangalore, dated 10th February 1926.

Read:- Records connected with the misappropriation of the sum alleged of Rs. 81-5-4 by clerk R. Mahadev of the Office of the Assistant Commissioner of Excise.

Read also:- Statement of witnesses

O r d e r .

Of the five charges framed against the clerk the first is to the effect that he wilfully misappropriated a sum of Rs. 81-5-4 The remaining four relate to the concealment of records which would have brought this defalcation to light. He admits that the money in question actually came into his hands but -- alleges that he must have mislaid it or paid it by mistake to the contractor to whom he had to pay a portion of the amount drawn on the original bill. He pleads that he was overworked and was in bad health at the timeof the transaction. His explanation is, on the face of it, unsatisfactory and he is clearly responsible for the loss of the money. There are however - certain facts which go to show that he was not guilty of a carefully thought out defalcation. He went on leave to Madura owing to ill health, leaving behind papers which clearly brought home his responsibility and also leaving his full address at Madura. When the shortage of the money was discovered and the matter reported to the Police he was immediately found at his address in Madura and was seriously ill at the time. From these facts I am inclined to think that it is just possible that he did mislay the money or at any rate that if he took it, he -- intended to make it up on his return from leave. This would not absolve him from criminal liability but having regard to the whole circumstances of the case and the demeanour of the clerk before me, I consider it unnecessary to proceed with the prosecution. There is clear proof that the clerk was responsible

responsible for the money and was unable to account for it and that he dealt in an incriminating manner with the -- records relating to it.

I consider that it is undesirable that he should be kept in service and dismiss him accordingly with effect from 8-11-1925.

Sd/- T. B. Russell.
Collector.

"C o p y"

Sd/. E. C. Ward
12.2.1926.
Assistant Commr. of Excise.

Memorandum.

[illegible] 9.1920.—10,000.

[illegible] K. A. G. Evans Gordon,
Secretary to the Resident
in Mysore.

Bangalore, dated 29th April 1926.

To M.R.Ry. R. Mahadev,
2196, Chokappa Naick Street,
Madura.

Petition of appeal against the Collector's order dismissing him from Government service.

In reply to his petition dated the 25th March 1926 M.R.Ry. R. Mahadev is informed that the Hon'ble the Resident declines to interfere in the matter. The petition is dismissed.

o/c 29.4.26

Major.
SECRETARY TO THE RESIDENT